

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	2052.04
COMPLAINT INVESTIGATOR:	Sally Cook
DATE OF COMPLAINT:	September 3, 2003
DATE OF REPORT:	September 30, 2003
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	October 22, 2003

COMPLAINT ISSUES:

Whether the Monroe County Community School Corporation Corporation violated:

511 IAC 7-27-4(a)(4) by failing to convene a case conference committee (CCC) meeting when a change of placement is proposed or to be considered.

FINDINGS OF FACT:

1. This complaint was filed by a general education teacher seeking resolution of a general question about procedural requirements, using a student (Sample Student) as an example. The Sample Student is thirteen years old and eligible for special education due to an emotional disability.
2. On October 11, 2002, the Sample Student's case conference committee (CCC) developed an individualized education program (IEP) calling for the Sample Student to be in general education class for specials, field trips, and daily for a literature group for 30-45 minutes. As of December, 2002, Sample Student #1 was spending approximately 205 minutes per day in the general education classroom, in addition to specials. On January 8, 2003, the Sample Student's CCC reconvened and changed the placement to special education classrooms except for specials.
3. The School acknowledges the following:
 - a. The Sample Student's amounts of time in general education and special education classrooms, respectively, were changed during the period from October 11, 2002, to January 8, 2003, with the result that Sample Student's placement within the continuum set forth in 511 IAC 7-27-9 was changed.
 - b. Although possible changes in schedule and placement were generally discussed in advance by the Sample Student's CCC, the Sample Student's IEP did not contain pre-planned change(s) of placement.
 - c. When a schedule or placement change involved a change to a less restrictive environment (i.e., more time in the general education classroom), the School did not reconvene the Sample Student's CCC.
 - d. In circumstances involving other students, the School did not reconvene CCCs before increasing amounts of time in general education classrooms, but did reconvene CCCs when proposing to increase amounts of time in special education classrooms.

4. As corrective action required by Complaint Investigation Report No. 2040.03, on August 18, 2003, the local director of special education issued a memorandum (the Memo) to special education staff and building principals reminding them that parents must be provided with prior written notice before a change of placement and that IEPs must be implemented as written. In addition, on August 21, 2003, the School Corporation conducted in-service training (the Training) in Article 7 requirements including when the CCC must convene, as specified in 511 IAC 7-27-4.
5. As a result of receiving the Memo and attending the Training, the Principal learned, prior to the filing of this Complaint, that CCC meetings are required whenever a change of placement is under consideration, whether the change is to a more restrictive or a less restrictive environment.

CONCLUSIONS:

1. Findings of Fact #2 and #3 indicate that changes of placement, as defined in 511 IAC 7-17-3(a)(3), occurred without reconvening the CCC. Therefore, violations of 511 IAC 7-27-4(a)(4) occurred. However, Findings of Fact #4 and #5 indicate that appropriate corrective action had been taken prior to the filing of this Complaint.

The Department of Education, Division of Exceptional Learners requires no corrective action based on the Findings of Fact and Conclusions listed above.